

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
August 23, 2022, 6:00 p.m.

Members Present:

Ken Ladner, Mayor
Nicholas Prince, Councilor, District 2
Jose A. Ray, Jr., Councilor District 3
Guadalupe E. Cano, Councilor, District 4

Absent: Lucian Farmer, Councilor District 1

Others present:

Alex Brown, Town Manager
James Marshall, Assistant Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Ben Beltron, Executive Director, CATS
Nick Seibel, Silver City Daily Press
Lynn Janes, Grant County Beat
Ted Presler, Silver City Resident
Mick Smith, Silver City Resident

1. CALL TO ORDER - Mayor Ladner called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG - Mayor Ladner invited the public to recite the Pledge of Allegiance and Salute to the New Mexico State Flag.

Mayor Ladner welcomed Police Chief Freddie Portillo, news media, guests who will be making presentations, staff and the members of the community.

2. CHANGES TO AGENDA – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS: Councilor Cano stated she was in a meeting before the Council Meeting with a firm from Moab, Utah who were hired by the Outdoor Recreation Division of the State Government to help communities get projects done for outdoor economics. They have several resources and have met with people here in the community. Councilor Cano encouraged the public to attend any future meetings. She also had concerns with the highway from Silver Heights going up to Hwy 180 West. She is aware it belongs to the Department of Transportation, but if there is anything that can be done to get the Department of Transportation to look at placing traffic lights at the intersection of Alabama or some way to slow down traffic. Councilor Cano had a concern with the medians, some of the trees are very high restricting people to see when turning. Alex Brown advised he has requested a state study for the corridor. Councilor Cano stated she had requested about a month ago an Ordinance on Work Place Violence. Mr. Reynolds and herself have researched and there are no Ordinances in the state, so at this time there is no need for an Ordinance, but has come up with a sign on Work Place Violence that will be posted in all City owned buildings for the public and employees to see. Councilor Cano wants City employees to know they are taking Work Place Violence serious keeping employees safe and avoiding any law suites.

Councilor Ray stated he wanted to explain why he voted no at the August 9th Council Meeting in regards to the time frame for cleanup at 209 Mountain View Rd. He believes the Council set rules and regulations and felt it was a slap in the face to the Council and Code Enforcement. Councilor Ray felt rules are made they should be enforced not amended by giving more time to clean the property when he has had plenty of time to get the property cleaned up. Councilor Ray felt the Infrastructure Capital Improvement Plans (ICIP) should be for infrastructure projects, such as roadways, equipment that the City needs and employees. He would like to have the extra money for those type of expenses not for large projects that get put first. Councilor Ray stated he attended the event at Western New Mexico University this past weekend. Unfortunately, it was moved indoors causing less people to attend. He also advised the University will be building a new softball field and when the University puts on an event the community should support them.

Councilor Prince stated the new school year is getting started and wished the students a fruitful new school year as well as the teachers' peace and safety. We are fortunate to have passionate leadership with Mr. Hawkins, Dr. Spaletta and Dr. Shepard and wish them all the best. Councilor Prince commended Ken Dayer and Ms. Lillian Galloway from the Silver City Public Library on the first Library Advisory Committee meeting of the season. He is happy to say the library is bouncing back from the pandemic and are working to expand access to digital collection of periodicals, eBooks, audiobooks, comics and streaming media, available at SilverCityPublicLibrary.org, under "Digital Services". Councilor Prince encouraged everyone to visit the library and make sure their library card and registration are up to date. Also thanking FreePort McMoran for opening up routes for emergency services while the Department of Transportation shores up the undercut bridges in this year's historic rains. With new funding made available through last year's infrastructure investment and Jobs Act the government, affiliated public and private institutions are all looking forward to five (5) years of allocation, spending and work we will all be better off for it.

6. APPROVAL OF MINUTES – August 9, 2022 Regular Meeting. Councilor Ray moved to approve the August 9, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried.

7. PUBLIC INPUT – NONE

8. REPORTS:

A. Staff Reports: James Hollen, NEPA Coordinator from the New Mexico Abandoned Mine Land Program made a presentation regarding the Boston Hill Mine Safeguard Project. The area consists of private ownership property, Town of Silver City Property and Bureau of Land Management Property. Mr. Hollen stated the purpose is to safeguard the general public from hazards associated with historical mining features. The proposed project will consist of removing the existing chain link fence and replaced with custom weathering steel 8-foot picket fence. New fencing, 4-foot rail or picket fencing would be installed at top of high walls near trails. Gates constructed of steel horizontal bars with vertical supports will be installed in mine entryways. High tensile steel mesh will be installed at vertical pits, shafts areas of subsidence or mine entrances, along with rock/concrete and backfill.

B. Manager:

1. Update Recreation Center – Alex Brown advised he is trying to complete the contract with the architects. They have been trying to find the most efficient way of doing the entire project with everything that is going on with inflation and economy. They thought it would be risky to go through the entire bid process and then to bid the project out. There will be an amendment to the procurement code to include the construction manager at risk process which will bring in the contractor during the actual design process. There will be checks and balances between the architect and contractor. If the amendment to the Procurement Code is approved the signing of the architectural contract and start moving into the actual final design of the project. Mr. Brown stated on September 13th the bonds for the project will be closed, originally it was going to be four million (4,000,000) and per the original bond ordinance we have five and a half million (5,500,000) approval left he was thinking of adding an additional million dollars (1,000,000) to purchase the entire thirteen (13) acres in lieu of just the six (6) acres. Mr. Brown stated he is working with Western New Mexico University Day Care program to start a pilot program at Stout Elementary to take advantage of the day care funding approved from the State of New Mexico so that can be offset of costs and to make available to all residents of the community.

2. Update New City Hall – Three hundred fifty-thousand-dollar (350,000) was allocated from the legislature last year, before moving into the building the roof and HVAC systems has to be replaced which will cost one million dollars (1,000,000).

3. Update Gough Park – Nothing has been started.

4. Update on current and proposed Swimming Pool – The Request For Proposal (RFP) is out for bid and will be brought to the Council at the first (1st) meeting in September.

5. Update on Scott Park Golf Course – The parking lot was completed and the road going into the Golf Course has been chip sealed.

6. Update on Little Walnut – Project is under construction replacing water lines, installing fire hydrants and retaining walls.

7. Update on Regional Water Project – The first meeting was held two (2) weeks ago which went fairly well, he was out of town and was unable to attend. FreePort has stepped up and helping move everyone together to make progress.

8. Update on 32nd St. Project – Funding for the project from 32nd street to Fowler through the colonias program and funding was awarded from the TAP program through the Department of Transportation (DOT) the remainder of the construction fund to go from Fowler to Pinos Altos (PA). The design will be complete by the end of October of this year and the plan for construction will be the spring of 2023 which will be from Swan all the way to Pinos Altos (PA).

Mr. Brown advised the city has received one-hundred-thousand-dollars (100,000) for drainage at the cemetery. The project will be done in three (3) phases starting from the top.

C. Central Dispatch Authority Report – James Marshall presented a report on all 911 and non 911 calls to Central Dispatch answer approximately Ninety thousand (90,000) calls in a year with two (2) dispatchers working each shift and doing a great job.

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: Approval / Disapproval of Work Session Date. Mayor Ladner made a few comments and thanked everyone for their input and is aware that the final decision is made by the council. Mayor Ladner explained how the County and other Municipalities conduct their work sessions, he felt that work sessions would not be the best in his opinion and made it clear that it was just his opinion. Mayor Ladner also presented a schedule of work sessions and meeting from other municipalities throughout the state and feels the current meeting schedule provides ample time to prepare for Council Meetings with the Clerk posting the meeting agenda on Thursday and giving the council from Friday through most of the day on Tuesday to review the agenda and research questions. Mr. Brown has made it clear that he is available to meet with each councilor at any time to address their questions and concerns and any other issues they may have.

Mayor Ladner stated the meeting times have been short one (1) hour to one (1) hour and fifteen (1:15) minutes with the acceptance of a couple that were a little over two (2) hours. Mayor Ladner stated he and the Council want to find the best way to achieve conducting the city business in an efficient and effective responsible way and is aware that the council makes the final decision.

Councilor Cano made it clear that the council has its business meetings that consists of making decisions. Which means there is no discussion of what is going on in the town. Councilor Cano would like to make discussion part of the agenda so the public would be able to hear the discussion on a topic in a public meeting allowing each councilor to give their view on the topic and asked if a decision not be made due to Councilor Farmer being absent at the meeting.

Councilor Prince stated he would like to have more time to discuss issues at length with all councilors so a more definite decision can be made on a topic at regular meeting.

Councilor Ray stated when he has an issue he does not talk to the other councilors, he either talks to Mr. Brown, Mr. Reynolds, Mr. Marshall or Mayor Ladner. He does feel another meeting would not be necessary it takes more time.

Councilor Cano asked Mr. Reynold if it was possible to make discussion a part of the agenda? Mr. Reynolds advised yes; discussion could be made part of the agenda as long as they called the Clerk to add the topic to the agenda.

Councilor Prince asked Mr. Reynolds as long as there was an open door the work session can be held anywhere since it is not recorded. Mr. Reynolds advised the meeting has to be advertised seventy-two (72) hours in advance of the meeting and that some staff might want to attend the meeting. Councilor Prince asked if any changes to the agenda are made by four (4) o'clock Thursday afternoon the agenda could be changed. Clerk Sedillo answered yes. Mayor Ladner asked for a motion to place **Approval / Disapproval of Work Session Date** on the next meeting agenda. Councilor Cano motioned to move **Approval / Disapproval of Work Session Date** to the next meeting agenda for decision. Councilor Prince seconded the motion. Mayor Ladner asked for any discussion. Seeing none Mayor Ladner asked all in favor. Mayor Ladner advised there were two (2) aye votes and Councilor Ray voting Nay. Motion Carried.

11. NEW BUSINESS:

A. Approval / Disapproval of NOI Ordinance 1314: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPH 3.3.1, H) 1), DEFINITIONS, SUBPARAGRAPHS 3.3.1 H) 1) d) AND s), CANNABIS MANUFACTURER AND CANNABIS MIRCROBUSINESS RESPECTIVELY, AND SUBPARAGRAPH 3.3.1 H) 2), SUBPARAGRAPHS 3.3.1 H) 2) b) THROUGH h), AND SUBPARAGRAPH 3.3.1 H) 8), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

Councilor Cano stated the Ordinance is the version of a cleanup bill, when the Ordinance was done the first time there was some changes that were made that did not make it in the Ordinance and it was not noticed. Luckily one of the manufacturers noticed because he was not in compliance. The changes are Vertically Integrated Cannabis Establishment to be allowed with conditional use permit, they were not allowed in previous ordinance, also the class one (1), two (2) and three (3) Cannabis Manufacturer have a conditional use possibility, they would have to ask for one. The Council will not allow anyone manufacture without going before the Council. Class four (4) will not be allowed because that type of manufacture uses a lot of chemicals and that would end with a lot of pollution. Anthony Quintana was present to explain the procedure of what was amended in the Ordinance and answered questions from the Council. James Marshall advised the zoning issue of the commercial historic district was left conditional from not allowed to preserve the retail space. Mr. Reynolds stated the Ordinance is now in compliance with the rules and regulations of the State. Mayor Ladner asked for a motion? Councilor Cano motioned to approve **NOI Ordinance 1314: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPH 3.3.1, H) 1), DEFINITIONS, SUBPARAGRAPHS 3.3.1 H) 1) d) AND s), CANNABIS MANUFACTURER AND CANNABIS MICROBUSINESS RESPECTIVELY, AND SUBPARAGRAPH 3.3.1 H) 2), SUBPARAGRAPHS 3.3.1 H) 2) b) THROUGH h), AND SUBPARAGRAPH 3.3.1 H) 8), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.** Councilor Prince seconded the motion. Mayor Ladner asked if there was any discussion. There was none. Mayor Ladner asked for a roll call. Town Clerk Alfred Sedillo did a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

B. Approval / Disapproval of RESOLUTION NO. 2022-17 A RESOLUTION ADOPTING THE 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) FOR THE SILVER CITY SENIOR CENTER. Alex Brown stated the ICIP for Senior Centers are due at the end of September. Hidalgo Medical Center (HMS) runs the facility and the Town owns the building, so the Town has to complete the ICIP. Last year it was funded Ninety-Six Thousand One Hundred and Ninety-One dollars (96,191) for stucco on the building. This request is for new windows and solar panels. Mayor Ladner asked for a motion? Councilor Ray moved to approve of **RESOLUTION NO. 2022-17 A RESOLUTION ADOPTING THE 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) FOR THE SILVER CITY SENIOR CENTER.** Mayor Ladner asked for a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

C. Approval / Disapproval of RESOLUTION NO. 2022-18 AMENDING RESOLUTION 99-32 REGARDING THE TOWN PROCUREMENT CODE, PUBLIC WORKS CONTRACTS AND ACCOUNTS PAYABLE PROCESS, PURSUANT TO THE REQUIREMENTS OF THE TOWN CHARTER. Alex Brown stated since the Town has its own charter, the Town can adopt its own Procurement Code. There have been several changes to the resolution in the past years. With the constant ups and downs of pricing of materials the Architects construction manager at risk process which is allowed under state procurement only for schools and universities. The Town is asking to take the exact language that allows schools and universities and implement it into the Towns Procurement Code. Mayor Ladner asked for a motion.

Councilor Ray moved to approve of **RESOLUTION NO. 2022-18 AMENDING RESOLUTION 99-32 REGARDING THE TOWN PROCUREMENT CODE, PUBLIC WORKS CONTRACTS AND ACCOUNTS PAYABLE PROCESS, PURSUANT TO THE REQUIREMENTS OF THE TOWN CHARTER.** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

D. Approval / Disapproval of RESOLUTION NO. 2022-19 A RESOLUTION AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE TOWN OF SILVER CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE TOWN OF SILVER CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. Alex Brown stated this would authorize to submit a Grant application to Department of Finance and Administration (DFA) for a Community Block Grant program that only allows projects with certain low to moderate income levels. This is the last part of the Chihuahua Hills neighborhood last year the water lines were replaced, now the streets will be replaced. Mayor Ladner asked for any questions or comments. Having none, Mayor Ladner asked for a motion. Councilor Ray made a motion to approve **RESOLUTION NO. 2022-19 A RESOLUTION AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE TOWN OF SILVER CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE TOWN OF SILVER CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:53 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk